APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,230	09/25/2003	Thomas Gauweiler	11884/401202	8715

53000 7590 11/23/2007		EXAMINER
KENYON & KENYON LLP 1500 K STREET N.W. WASHINGTON, DC 20005		LEROUX, ETIENNE PIERRE

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2161	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/672,230	GAUWEILER, THOMAS
	Examiner	Art Unit	
	Etienne P. LeRoux	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>01 November 2007</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-3,7-18,20 and 22-26</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-3,7-18,20 and 22-26</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>25 September 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Claim Status

Claims 1-3, 7-18, 20 and 22-26 are pending, claims 4-6, 19 and 21 have been cancelled.

Claims 1-3, 7-18, 20 and 22-26 are rejected as detailed below.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites "mapping the binary structure by the computer application from the memory if the file has not been updated." Furthermore, claim 1 recites "storing the file on the mobile device" and also recites " recording the binary structure in a memory of the mobile device." The specification does not describe what comprises "storing the file" and what comprises recording the binary structure of the file in a memory of the mobile device.

Claim 1 recites "transforming the file into a binary structure at an initial run of a computer application running on the mobile device." Furthermore, claim 1 recites "determining whether the file has been updated upon a startup of the computer application." The specification

does not describe what comprises "an initial run of a computer application" and what comprises

"a startup of the computer application."

Claim 1 recites "storing the file on the mobile device" and furthermore recites "recording

the binary structure in a memory of the mobile device." The specification does not describe in a

clear and concise manner what difference, if any, exists between the "file" and the "binary

structure."

Claim 1 recites "transforming the file into a binary structure at an initial run of a

computer application running on the mobile device." The specification does not describe in a

clear and concise manner what structure is used to ;

(1) create the file in a design environment

(2) communicate the file to a mobile device,

(3) store the file on a mobile device

(4) transforming the currently loaded file

For purposes of this Office action, it is assumed that the file comprises a binary structure for the

above method steps. Specifically, an XML file operates in a digital (binary) environment.

Claim 1 recites "mapping a binary structure transformed from the currently loaded file by

the computer application into the memory if the file has not been updated." The specification

does not include a clear and concise written description of :

(1) mapping a binary structure

(2) transforming the currently loaded file

(3) if the file has not been updated.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the following:

(1) creating in a design environment a file

(2) communicating the file to a mobile device

(3) storing the file on the mobile device

(4) transforming the file into a binary structure

(5) recording the binary structure in a memory

(6) determining whether the file has been updated upon a startup

(7) file currently loaded on the mobile device

(8) transform[ing] the currently loaded file

The metes and bounds of the present invention cannot be determined because it is unclear how many file(s) applicant is claiming. For purposes of this Office action, examine4r assumes that there is no (emphasis added) between above files.

Claim 1 recites "mapping a binary structure transformed from the currently loaded file by the computer into the memory." The scope of the invention cannot be determined because it is unclear what difference, if any, exists between "currently loaded file" and "mapping the binary

structure into memory." For purposes of this Office action, it is assumed that no difference

exists.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 7-18, 20 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Pub No US 2002/0188761 (Chikirivao et al), hereafter Chikirivao in view of Pub No US

2004/0003013 (Coulthard et al), hereafter Coulthard, as best examiner is able to ascertain.

Claims 1, 14, 15, 20 and 26:

Chikirivao discloses:

(a) creating in a design environment a file that relates at least one business object

[business component instantiation and execution framework is created, paragraph 11, particular

industry XML subset, paragraph 23]

(b) communicating the file to a mobile device [XML tagged document 110, Fig 1, PDA,

paragraph 21]

(c) storing the file on the mobile device [XML documents stored on the PDA, paragraph

22]

(d) transforming the file into a binary structure at an initial run of a computer application

running on the mobile device, the binary structure adapted to be read by the computer application

[directly synchronize document information from the PDA over the communication network 115

with server 125, paragraph 22]

Note:

Binary structure is interpreted per specification paragraph 11 which states that the file is

transformed into a binary structure which can be read by the computer application.

(e) recording the binary structure in a memory of the mobile device [transfer of

information may be delayed, therefore, user stores the XML documents on the PDA for later

retrieval, paragraph 22]

(f) storing a date stamp and determining whether the file has been updated upon a startup

of the computer application by comparing a date stamp of a file currently loaded on the mobile

device

Chikirivao discloses the elements of the claimed invention as noted above but does not

disclose storing a datestamp and a filesize in the memory with the binary structure, the datestamp

and the filesize uniquely identifying the file corresponding to the binary structure, determining

whethere the file has been updated upon a stratup of the computer application by comparing a

datestamp and a filesize of a file currently loaded on the mobile device to the datestamp and the

filesize. Coulthard discloses storing a datestamp and a filesize in the memory with the binary

structure, the datestamp and the filesize uniquely identifying the file corresponding to the binary

structure, determining whethere the file has been updated upon a stratup of the computer

application by comparing a datestamp and a filesize of a file currently loaded on the mobile

device to the datestamp and the filesize [paragraphs 11 and 12]. It would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify Chikirivao to

include the limitations as taught by Coulthard for thepurpose of determining when synchronizing

is required, Chikirivao paragraph 22]

The combination of Chikirivao and Coulthard discloses mapping a binary structure

transformed from the currently loaded file by the computer application into the memory if the

file has not been updated [Chikirivao; synchronizing per paragraph 22]

Note:

Above limitation lacks antecedent basis in the specification, and thus above mapping to

the prior art represents examiner's best interpretation of the claim language.

Claim 2:

The combination of Chikirivao and Coulthard discloses the elements of the claimed

invention as noted above and furthermore discloses wherein the method is adapted to create a

database access system [Chikirivao, Fig 1, repository, 135]

Claims 3 and 18:

The combination of Chikirivao and Coulthard discloses the elements of the claimed

invention as noted above and furthermore discloses wherein the file is an XML file [Chikirivao

,paragraph 22]

Claims 7, 22 and 24:

The combination of Chikirivao and Coulthard discloses the elements of the claimed

invention as noted above and furthermore discloses if the at least one of the further datestamp

and the further filesize of the further file stored on the mobile device correspond with the at least

one of the datestamp and the filesize recorded with the binary structure, then the file and the

further file are identical and the file has not been updated [Coulthard: paragraphs 11, 12,

Chikirivao, paragraph 22] , Reha col 4, lines 55-65]

Claims 8, 23 and 25:

The combination of Chikirivao and Coulthard discloses the elements of the claimed

invention as noted above and furthermore discloses if the at least one of the further datestamp

and the further filesize of the further file stored on the mobile device do not correspond with the

at least one of the datestamp and the filesize recorded with the binary structure, then the file and

the further file are not identical and the file has not been updated [Coulthard: paragraphs 11, 12

and Chikirivao paragraph 22]

Claim 9:

The combination of Chikirivao and Coulthard discloses the elements of the claimed

invention as noted above and furthermore discloses repeating operations (d) and (e) for the

further file [Coulthard: paragraph 12, Chikirivao paragraph 22]

Claim 10:

The combination of Chikirivao and Coulthard discloses the elements of the claimed

invention as noted above and furthermore discloses creating a new file to change the metadata;

and repeating the operations of (b), (c), (d), and (e) for the new file [Coulthard, paragraph 12]

Claim 11:

The combination of Chikirivao and Coulthard discloses the elements of the claimed

invention as noted above and furthermore discloses wherein the metadata describes at least one

of: actual data; at least one attribute for the at least one business object; at least one relationship

between a plurality of business objects; and the at least one query [Coulthard, abstract,

paragraphs 9, 11, 16].

Claim 12:

The combination of Chikirivao and Coulthard discloses the elements of the claimed

invention as noted above and furthermore discloses wherein the mobile device includes at least

one of a laptop computer and a personal digital assistant [Chikirivao , paragraph 21]

Claims 13 and 16:

The combination of Chikirivao and Coulthard discloses the elements of the claimed

invention as noted above and furthermore discloses wherein the recording of the binary structure

in the memory includes mapping the binary structure into an address space [Coulthard, paragraph

11]

Claim 17:

The combination of Chikirivao and Coulthard discloses the elements of the claimed

invention as noted above and furthermore discloses reading the binary structure at a second

running of the computer application [Chikirivao, Fig 1]

Response to Arguments

Applicant's arguments filed 11/1/2007 have been considered but are moot in view of the

new ground(s) of rejection.

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022.

The examiner can normally be reached on Monday through Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Etienne LeRoux

11/20/2007

ETIENNE LEROUX
PRIMARY EXAMINER